

# Court of Appeals, State of Michigan

## ORDER

People of MI v Quintin Lashar Holmes

Docket No. 296457

LC No. 08-001044-FC

Donald S. Owens  
Presiding Judge

William C. Whitbeck

Alton T. Davis  
Judges

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On the Court's own motion, the Clerk's Office shall treat defendant's delayed application for leave to appeal as filed within the deadline set forth in MCR 7.205(F)(4) because appellate counsel's failure to file the delayed application within the deadline constituted ineffective assistance of counsel. *People v Means*, 480 Mich 989 (2007); *People v McCoy*, 480 Mich 989 (2007); *People v Rodgers*, 480 Mich 989 (2007); and *People v Kipfer*, 480 Mich 990 (2007). We note that, even treating the December 1, 2009 date that appellate defense counsel states he receive the transcripts as the filing date for the transcripts, the delayed application for leave to appeal was not filed within 42 days thereafter as required by MCR 7.205(F)(4).

Attorney Robert J. Dunn (P33726) shall pay to the Clerk of this Court costs of \$250 within 21 days of the Clerk's certification of this order. This sanction is personal to the attorney and shall not be charged back to the county or the state.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 04 2010

Date

*Sandra Schultz Mengel*  
Chief Clerk